



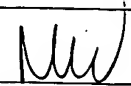
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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/664,692  | 09/19/2003  | Dean L. McClymonds   | 13.27461            | 4706             |
| 25208   | 7590        | 12/27/2004           | EXAMINER            |                  |
| JOHN W JORDAN IV<br>GACA MATIS BAUM & RIZZA<br>FOUR GATEWAY CENTER, 444 LIBERTY AVENUE<br>SUITE 300<br>PITTSBURGH, PA 15222 |             |                      | TORRES, ALICIA M    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3671                |                  |

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |   |
|------------------------------|------------------------|---------------------|---|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |   |
|                              | 10/664,692             | MCCLYMONDS, DEAN L. |   |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |   |
|                              | Alicia M Torres        | 3671                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 30 September 2004.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 7-10 is/are allowed.

6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.

7) ☒ Claim(s) 3 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_.

***Claim Objections***

1. Claims 1, 4 are objected to because of the following informalities: “;” in line 1 should be changed to --:--. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: “wheel” in line 2 should be changed to --wheels—. Appropriate correction is required.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rafaels in view of Taube.

Rafaels discloses a mowing device comprising:

A frame (24) having a right side and a left side,

A first pair of ground wheels (30, 38) mounted on the right side of the frame (24),

A second pair of ground wheels (28, 36) mounted on the left side of the frame (24),

Means (42) for controlling the speed and direction of rotation of the first pair of ground wheels (30, 38),

Means (40) for controlling the speed and direction of rotation of the second pair of ground wheels (28, 36) independent of the speed and direction of rotation of the first pair of ground wheels (30, 38),

A deck (26) vertically adjustably attached to the frame (24, through brackets 64, 66), and

A vegetation cutting blade (50) rotatably attached to the deck (26), as per claim 1; and

Wherein the means (42) for controlling the speed and direction of rotation of the first pair of ground wheels (30, 38) comprises a first controllable motor mounted on the right side of the frame (24) and the means (40) for controlling the speed and direction of rotation of the second pair of ground wheels (28, 36) comprises a second remotely controlled motor mounted on the left side of the frame (24), as per claim 2.

However, Rafaels fails to disclose wherein the means for controlling the pairs of ground wheels is remote, as per claim 1; and

Further comprising:

A remotely controlled internal combustion engine mounted on the deck, and

A remotely controlled clutch connecting the remotely remotely controlled internal combustion engine to the vegetation cutting blade, as per claim 4; and

Wherein the internal combustion engine is a two-cycle gasoline engine, as per claim 5.

Taube discloses a lawnmower that is remotely controlled, as per claim 1; and

Further comprising:

A remotely controlled internal combustion engine (unnumbered) mounted on the deck (2), and

A remotely controlled clutch connecting the remotely remotely controlled internal combustion engine to the vegetation cutting blade (unnumbered, see column 5, lines 27-34), as per claim 4; and

Wherein the internal combustion engine is a two-cycle gasoline engine, as per claim 5.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the remote control of Taube on the device of Rafaels in order to allow an operator to be distant from the mower.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rafaels and Taube as applied to claim 5 above, and further in view of Shyu et al., hereafter Shyu.

The device is disclosed as applied above. However, the combination fails to disclose a plurality of rollover bars attached to the deck.

Shyu discloses a similar device including a plurality of rollover bars (92, comprised of a plurality of bars) attached to the deck (93).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the rollover bars of Shyu on the device of Rafaels and Taube in order to protect the mower.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 2 and 4-6 have been considered but are moot in view of the new ground(s) of rejection.

*Allowable Subject Matter*

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-10 are allowed.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

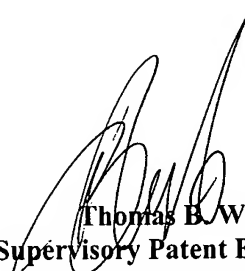
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
December 21, 2004